

CUSTOMER NO.: 24498

Serial No.: 10/811,165

Amendment to Appeal Brief Dated: 06/05/08

PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: Mark Alan Shultz et al. : Examiner: Wendmagegn, G.

Serial No: 10/811,165 : Group Art Unit: 2621

Filed: March 26, 2004 :

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AMENDED APPEAL BRIEF (Section 3)

Mail Stop: Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May It Please The Honorable Board:

In response to the Notification of Non-Compliant Appeal Brief and in accordance with the instructions therein, Appellant herein submits an Amendment to (Section 3) of the Appeal Brief filed on 14 May 2008. Please replace page 3 of the Appeal Brief filed on 14 May 2008 with page 3, submitted herewith to correct for a formality error.

It is believed that there is no fee due with regard to the filing of this document; however, if, in fact, there is a fee, please charge the amount to Deposit Account No. 07-0832.

TOTAL PAGES: 3

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence (and any document referred to as being attached or enclosed) is being facsimile transmitted to the United States Patent and Trademark Office, Mail Stop: Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

June 18, 2008
Date

Patricia M. Fedorowycz
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Having submitted a new page 3 for the Appeal Brief filed 14 May 2008 as suggested by the Patent Appeal Center Specialist, Bridget C. Monroe, the Appellant submits that the Appeal Brief filed 14 May 2008 is now in proper form and now complies with the provisions of 37 CFR 41.37.


For at least the reasons advanced above, the Appellant respectfully urges that the Appeal Brief filed 14 May 2008 be entered.

Respectfully submitted,

MARK ALAN SCHULTZ ET AL.

05 June 08
Date

By:


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JTV:pdf

Attachment: Amended Page 3

Patent Operations
Thomson Licensing LLC
P.O. Box 5312
Princeton, New Jersey 08543-5312

June 5, 2008

CUSTOMER NO.: 24498
Serial No.: 10/811,165
Appeal Brief Dated: 05/12/08

PATENT
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1. Real Party in Interest

The real party in interest is THOMSON LICENSING S.A., the assignee of the entire right title and interest in and to the subject application by virtue of an assignment recorded with the Patent Office.

2. Related Appeals and Interferences

Appellant asserts that no other appeals or interferences are known to the Appellant, the Appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

3. Status of Claims

Claims 1 and 3-12 are pending. Claim 2 stands cancelled. Claims 1 and 3-12 stand rejected and are under appeal. A copy of the Claims 1 and 3-12 is presented in Section 8 below.

4. Status of Amendments

An Amendment under 37 CFR §1.111, mailed to the PTO on November 21, 2007 in response to a non-final Office Action dated September 13, 2007, was entered. No Responses/Amendments were filed subsequent to the above Amendment mailed on November 21, 2007. A final Office Action dated February 22, 2008, to which this Appeal Brief is directed, is currently pending.